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ORDINANCE NO. O2013-53

AN ORDINANCE OF THE CITY OF WILDWOOD GRANTING A REQUEST FOR A PLANNED DEVELOPMENT AMENDMENT PURSUANT TO SECTION 8.6 OF THE LAND DEVELOPMENT REGULATIONS. REPEALING ORDINANCE O2010-12; FOR CERTAIN PROPERTY WITHIN THE CITY OF WILDWOOD, FLORIDA; OWNED BY WILDWOOD SUMTER HOLDINGS, LLC; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the City Commission of the City of Wildwood, Florida, as follows:

The application filed by Wildwood Sumter Holdings, LLC, (hereinafter referred as the, "Developer") for a Residential Planned Development was heard by and before the City Commission, Wildwood, Florida on this 25th day of November 2013. Based upon the verified application and supporting documents, analyses, maps, charts, other evidence and instruments, the advice, report and recommendations of the Project Review Committee and the testimony adduced and evidence received at the Public Hearing by the Planning and Zoning Board on November 5, 2013 and otherwise being fully advised, the City Commission does hereby find and determine as follows:

SECTION 1: GENERAL FINDINGS

- A. That the Triumph South Planned Development Application (hereinafter referred to as the "Project") was duly and properly filed by the Developer herein on September 26, 2013.
- B. That all fees required to be borne and paid by the Developer have been paid in accordance with the City of Wildwood Fee Schedule.
- C. That the Project was reviewed by the Project Review Committee and found to meet or exceed the minimum standards of the City's Comprehensive Plan, Land Development Regulations, Code of Ordinances, and all other applicable ordinances and regulations.
- D. That the Developer proposes to develop a Project consisting of 27 acres, more or less, which is situated in Wildwood, Florida. This land is legally described in "Exhibit A" attached hereto.
- E. That the Developer has complied with the conceptual development plan provision as required by Section 8.4 of the Land Development Regulations.

- F. That the City has complied with the due notice requirements of subsection 3.3(B)(3) of the Land Development Regulations.

SECTION 2: FINDINGS REGARDING PLANNED DEVELOPMENT OVERLAY

- A. That the Project is an approved Planned Unit Development granted by the City Commission through the adoption of Ordinance O2010-12 on August 9, 2010.
- B. That the Applicant has applied for a Residential Planned Development (RPD) of the lands described in "Exhibit A".
- C. That the zoning districts of the subject land described in "Exhibit A" are classified as PUD (Ordinance O2010-12) on the City of Wildwood Zoning Map.
- D. That this Ordinance does not increase the amount of permitted development within the Project that was already granted by the City Commission.
- E. That the Project is consistent with both the City of Wildwood Comprehensive Plan, the intent and purpose of the City of Wildwood Land Development Regulations, and does promote the public health, safety, morals, welfare, and orderly growth of the City of Wildwood.
- F. That the City of Wildwood Land Development Regulations are consistent with the provisions of the "Planned Development Agreement" as hereinafter set forth in Section 3 of this Ordinance. With respect to any conflict between the Land Development Regulations and the "Planned Development Agreement", the provisions of the "Planned Development Agreement" shall govern. Unless specific conditions are included in the "Planned Development Agreement" waiving or replacing the terms and conditions of the Land Development Regulations, the terms and conditions of the most current Land Development Regulations shall prevail.
- G. This Ordinance shall become effective immediately upon its approval and adoption by the City Commission.

SECTION 3: PLANNED DEVELOPMENT AGREEMENT: GENERAL PROVISIONS

- A. Development Concept. The Project shall be developed as a Planned Development substantially in accordance with this Ordinance. This

Planned Development Agreement shall govern the development of the Project.

- B. Conceptual Development Plan. The Project includes a Conceptual Development Plan pursuant to Section 8.4 of the Land Development Regulations. The Conceptual Development Plan prepared by Farner Barley and Associates dated October 24, 2013 (revision date) is incorporated into this Ordinance as "Exhibit B" attached hereto. The Conceptual Development Plan is substantially consistent with City of Wildwood Comprehensive Plan.

The Conceptual Development Plan is conceptual in nature and may be affected or modified by final zoning approval and conditions, by compensating storage capacity in flood prone areas, final wetland or protected species locations and jurisdictional boundaries, final engineering, permitting, surveys, or conservation easements.

- C. Development Program. The Project is a residential development. The Project may contain single family detached or single family attached dwellings. The Project shall not exceed 113 dwelling units.

- D. Amendments. The Development Services Director, or designee, shall have the authority to approve non-substantial changes to the conceptual development plan without a public hearing. The determination of what constitutes a non-substantial change shall be at the Development Services Director's discretion. All modifications requiring an amendment to the Planned Development Agreement shall require review and recommendation of the Planning and Zoning Board and action by the City Commission in the same manner as an Application for Planned Development.

- E. R-2 Zoning District. Unless otherwise stated, the Project shall adhere to the zoning regulations within the R-2 zoning district. The Project shall have the following minimum setbacks:

- 1) Front: 25 feet
- 2) Side: 5 feet
- 3) Rear: 10 feet

- F. Design District Standards. Unless otherwise stated, the Project is required to meet applicable sections of the Design District Standards (Residential).

- G. Recreation and Open Space.

- 1) Parks and Recreation. The Project shall contain at least one park area. The park area shall contain a minimum of two (2) recreational amenities as required in the City's Design District Standards. The

amenities shall be determined during the Improvement Plans stage of the subdivision process.

- 2) Buffers. The Project shall contain a 15' wide landscape buffer along the perimeter of the Project. The plant material within the landscape buffer shall be in accordance with the City's Design District Standards. The landscape buffers may be constructed as each home site develops and the maintenance of the buffer may be the responsibility of the homeowner.
- 3) Open Space. The Project shall contain a minimum of 4 acres (15% of the gross Project acreage) of open space. Open space shall be calculated in accordance with the City's Design District Standards.

H. Public Facilities.

- 1) Potable Water, Wastewater, and Reuse Water. The Project shall be connected to the City's potable water and sanitary sewer system prior to any certificates of occupancy being issued. The Project will connect to the City's reuse water system upon availability. Expansion of these systems and the reservation and payment of capacities has been negotiated by a separate Developer's Agreement.
- 2) Solid Waste. Solid waste services shall be provided by the City or the City's contracted refuse service provider.
- 3) Stormwater. The Project shall contain a stormwater management system which meets the requirements of the Southwest Florida Water Management District.
- 4) Underground Utilities. All on site utilities shall be underground. Developer is responsible for running utilities underground for the Project.
- 5) Lighting. Decorative street lighting shall be provided throughout the Project.

I. Access and Transportation.

- 1) Access. There shall be one (1) ingress and egress access point at CR 462 for the Project as shown on the Conceptual Development Plan. A driveway permit from Sumter County is required prior to approval of the Project's Improvement Plans.
- 2) Sidewalks. At a minimum, sidewalks shall be constructed along one side of all roadways within the Project.
- 3) Turn lane. The planned improvements to CR 462 include a northbound left turn lane at the Project's driveway. The CR 462 improvements are funded for construction in FY 2013-2014 by Sumter County. However, should the Project construct 73 homes prior the CR 462 project commencing, the Developer will be

required to construct the northbound left turn lane prior to construction of the 74th home.

- J. Gopher Tortoise Mitigation. Prior to any construction, the Developer shall obtain the necessary permit(s) from the Florida Fish and Wildlife Conservation Committee for mitigation of gopher tortoises. If a relocation permit is not sought, the Project shall provide mitigation in accordance with applicable rules and regulations.
- K. Maintenance of Common Areas. Maintenance and repair of structures, lawn mowing, and landscaping maintenance of all common areas within the Project shall be the responsibility of the property owner or its designee such as a property owners association, at no cost or obligation to the City. The Developer shall provide guidelines to the City for approval, not to be reasonably withheld, conditioned or delayed, for the maintenance of common areas. The City will be granted the right to enforce the common areas maintenance obligations against the Association as may be applicable, and to be reimbursed for the reasonable attorney's fees, costs and expenses, as may be reasonably incurred by the City.
- L. Enforcement of Rules and Regulations. For the maintenance of the common areas referenced in Section 3(K) above, the applicable provisions in the Guidelines: (i) shall be made applicable to the Project; and (ii) shall be reviewed/approved by the City of Wildwood and a certificate of occupancy being issued for completed improvements; and (iii) will provide that the City of Wildwood shall have the right, but not the obligation, to enforce such maintenance obligations against a violating party and that the City should be entitled to reasonable attorney's fees and costs for enforcement regardless of whether or not a suit has been filed.
- M. Impact Fees. The Planned Development shall be subject to all impact fees applicable at the time of permitting. All impact fees are to be paid before issuance of any building permit. Proof of Sumter County impact fees paid shall be provided to the City of Wildwood. Any impact fees adopted by the City of Wildwood, Sumter County or the Sumter County School Board prior to issuance of building permits shall also be applicable to the Planned Development.
- N. Expiration of Planned Development Agreement. Actual construction must begin within the Project within 24 months of the final adoption of the Planned Development Agreement. If no construction has started on the approved Planned Development within 24 months, the Planned Development shall lapse and be of no further effect. The City Commission may extend the Planned Development for periods of up to twelve (12) months. However, the City Commission shall not allow extensions beyond 24 months after the effective date of this Ordinance.

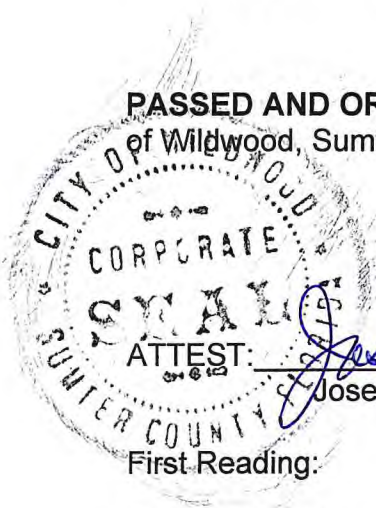
SECTION 4: SEVERABILITY.

If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

SECTION 5: EFFECTIVE DATE.

This Ordinance shall become effective immediately upon its approval and adoption by the City Commission.

PASSED AND ORDAINED in regular session of the City Commission of the City of Wildwood, Sumter County, Florida, this 25th day of November, 2013.



ATTEST:

Joseph Jacobs, City Clerk

First Reading:

11.11.13

Second Reading:

11.25.13

CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

Ed Wolf
ED WOLF, MAYOR

Approved as to Form:

Ashley Hunt
Ashley Hunt, City Attorney

Ordinance O2013-53
"Exhibit A"
Wildwood Sumter Holdings, LLC
Legal Description

PARCEL 1:

SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA

PARCEL 2:

THE WEST 463.40 FEET OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS MORE PARTICULARLY DESCRIBED AS:

A PARCEL OF LAND LYING IN THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 32; THENCE S89°41'51"E ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 32, A DISTANCE OF 463.40 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID SOUTH LINE N00°31'08"E ALONG A LINE PARALLEL WITH THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 32, A DISTANCE OF 60.00 FEET; THENCE S89°41'51"E, A DISTANCE OF 199.18 FEET; THENCE N00°31'56"E, A DISTANCE OF 330.00 FEET; THENCE S89°41'51"E, A DISTANCE OF 660.00 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 32; THENCE S00°31'56"W ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 32, A DISTANCE OF 60.00 FEET; THENCE DEPARTING SAID EAST LINE, N89°41'51"W, A DISTANCE OF 600.00 FEET; THENCE S00°31'56"W, A DISTANCE OF 330.00 FEET TO THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 32; THENCE N89°41'51"W ALONG SAID SOUTH LINE, A DISTANCE OF 259.17 FEET TO THE POINT OF BEGINNING. LESS RIGHT OF WAY FOR COUNTY ROAD 462.

PARCEL 3:

THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA, LESS AND EXCEPT:

BEGIN AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 THENCE RUN SOUTH 16.00

FEET, NORTHEASTERLY TO A POINT 16.00 FEET EAST OF THE POINT OF BEGINNING; THENCE RUN WEST 16.00 FEET TO THE POINT OF BEGINNING, ALL LYING AND BEING IN SECTION 32, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.

TOGETHER WITH A PERPETUAL, NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS CREATED BY INSTRUMENT RECORDED NOVEMBER 15, 2005 IN O.R. BOOK 1476, PAGE 374, PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA, SAID EASEMENT BEING OVER, ACROSS AND UPON THE FOLLOWING DESCRIBED PARCELS:

THE NORTH 16.00 FEET OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA; AND THE WEST 50.00 FEET OF THE NORTH 16.00 FEET OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 18 SOUTH, RANGE 23 EAST, SUMTER COUNTY, FLORIDA.

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DC,Gloria R. Hayward,Sumter County Page 9 of 11 B:2709 P:779

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"Exhibit B"

Wildwood Sumter Holdings, LLC

Conceptual Development Plan

